

REMARKS/ARGUMENTS

Claims 1-7 and 10-23 are pending in this application after entry of this amendment. Applicant notes that claims 1-23 have been correctly renumbered. Claims 11-12, 15-16, 18, 21-22 were rejected under 35 U.S.C. §101. Claims 1-3, 6-10, 13-14, 19-20, and 23 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication No. 2003/0003896 to Klingler et al. Claims 4 and 5 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2003/0003896 to Klingler et al. in view of U.S. Patent Publication 2002/0031126 to Crichton et al. Claims 11-12, 15-16, and 21-22 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2003/0003896 to Klingler et al. in view of U.S. Patent No. 5,081,679 to Dent. Claims 17 and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2003/0003896 to Klingler et al. in view of U.S. Patent Publication 2002/0031126 to Crichton et al. in view of U.S. Patent No. 5,081,679 to Dent.

Section 102 Issues

In rejecting claim 9, the office action cited the Klingler reference. However, the Klingler reference does not appear to teach a synchronization source that uses a time stamp to synchronize cryptographic operations between the local and remote units. The office action appears to be in agreement in view of the fact that no portion of Klingler was cited as teaching a time stamp. Thus, it is apparent that Klingler doesn't use a time stamp as a synchronization source.

Claims 1, 6, 13, 17, and 19 have been amended to recite the use of a time stamp as the synchronization source. Since Klingler does not teach such a synchronization source, these independent claims are not anticipated by Klingler under 35 USC §102. Therefore, they are believed to be in condition for allowance. The remaining claims all depend from these independent claims. Therefore, they are believed to be in condition for allowance, as well.

Section 103 Issues

The Klingler reference was used in rejecting the claims under 35 USC §103. As noted above, while the Klingler reference was cited as teaching a timestamp for a synchronization source, the Klingler reference does not actually teach a timestamp as a synchronization source. Therefore, since all of the claims include such a feature, the rejection of the claims under 35 USC §103 of the current claims is inapplicable and claims 4,5, 11, 12, 15, 16, 17, 18, 21, and 22 are in condition for allowance.

Section 101 Issues

Claims 11, 12, 15-16, 18, 21-22 were rejected under 35 USC §101. It is noted however that claims 11, 12, 15-16, 18, 21-22 are all dependent claims that merely add further limitations to independent claims that have been deemed acceptable under 35 USC §101. Thus, this objection is respectfully traversed. It is believed that since the independent claims are acceptable that a dependent claim that adds further limitations must also be acceptable under 35 USC §101.

The Klingler Reference

It is noted that the Klingler reference serves as a reference that is used in rejecting all of the claims in the current office action. Applicant notes the fact that the rejection of the claims assumes that the disclosure in the Klingler reference is totally supported by the provisional application filed on December 19, 2000. This filing date of the provisional is less than a month before Applicant's own filing date of January 16, 2001 making it applicable for a 1.131 antedating affidavit. To the extent that the examiner continues to rely on the Klingler reference, it is respectfully requested that the portions of the underlying provisional application be cited.

Appl. No. 09/765,108
Amdt. dated January 13, 2005
Reply to Office Action of July 23, 2004

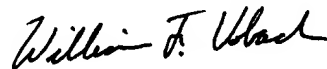
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CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,



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